



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 21, 1991

Mr. Philip W. Barnes
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR91-103

Dear Mr. Barnes:

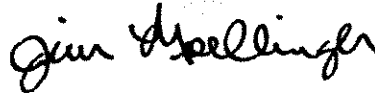
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11535.

The State Board of Insurance (the board) received an open records request for copies of "all docket sheets from the Hearings Section and from all Board hearings for the period January 1, 1989, to the present." You inform us that the request would include docket sheets from personnel grievance hearings, but that you are seeking clarification from the requestor on this matter. You do not appear to assert that docket sheets not involving grievance hearings are excepted from disclosure. We understand you to focus on docket sheets involving grievance matters. You contend that the board may withhold the grievance docket sheets pursuant to sections 3(a)(1) and 3(a)(2) of the Open Records Act.

A prior determination of this office, Attorney General Opinion JM-36 (1983) (copy enclosed) resolves your request. Section 3(a)(2) is designed to protect public employees' personal privacy; the scope of section 3(a)(2) protection, however, is very narrow. See Open Records Decision No. 336 (1982). The test for section 3(a)(2) protection is the same as that for information protected by common-law privacy under section 3(a)(1): to be protected from required disclosure the information must contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and the information must be of no legitimate concern to the public. Hubert v. Harte-Hanks Texas Newspapers, Inc., 652 S.W.2d 546 (Tex. App. - Austin 1983, writ ref'd n.r.e.). The information at issue does not meet these tests. Section 3(a)(2) was not intended to protect the type of information at issue here; consequently the docket sheets must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-103.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/lcd

Ref.: ID# 11535

Enclosures: Attorney General Opinion JM-36

cc: Jim Busby
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